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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/712,914

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Euphrason Rebello

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EXAMINER

TRAN, PABLO N

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/712,914	<b>Applicant(s)</b> REBELLO, EUPHRASON	
	<b>Examiner</b> Pablo N. Tran	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 10-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-9 and 33-35) in the reply filed on 03/06/08 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7, 9, and 33-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Parker (6,124,799).

As per claims 1 and 33, Parker discloses a communication device (fig. 2/no. 20) addressable with reference to identification data (fig. 2/no. 42) and including memory locations (fig. 2/no. 40) for storing the identification data having a processor (fig. 2/no. 22), responsive to a first code (fig. 2/no. 32), for controlling the storage of the identification data in the memory location, the processor being responsive to an incoming signal (fig. 4/no. 114, col. 8/ln. 49-col. 9/ln. 10) addressing the communication

device with reference to the stored identification data to change the first code for subsequently controlling the storage of the identification data in the memory location (fig. 4, fig. 5, fig. 10, col. 8/ln. 16-col. 11/ln. 58).

As per claim 2, Parker discloses the identification data identifying a particular provider (col. 6/ln. 17-18).

As per claims 3 and 36, Parker discloses the communication device is a radio telephone (fig. 2/no. 20) and the incoming signal addressing the device is the first call received by the device having a new identity (col. 8/ln. 49-col. 9/ln. 10).

As per claim 4, Parker discloses second code is stored in the phone to which the first code is changed (col. 8/ln. 16-col. 11/ln. 58).

As per claim 5, Parker discloses the second code is specific to the phone (col. 8/ln. 16-col. 11/ln. 58).

As per claim 7, Parker discloses the first code is specific to the communication device (col. 7/ln. 59-col. 8/ln. 7).

As per claim 9, Parker discloses the identification data includes MIN data (col. 1/ln. 58-col. 2/ln. 38).

As per claim 34, Parker discloses the incoming signal is received upon confirming the communication device is able to receive a call (col. 8/ln. 16-col. 11/ln. 58).

As per claim 35, Parker discloses the second code is known only to a service provider until a predefined time (col. 8/ln. 16-col. 11/ln. 58).

As per claim 37, Parker discloses the first call is configured to confirm correct programming of the communication device (col. 8/ln. 16-col. 11/ln. 58).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (6,124,799).

As per claims 6 and 8, Parker does not specifically suggest such random method of generating the first or second code. However, such method is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such method, well known, to the method of activating a communication device of Parker in order to provide a secure method of generate sensitive data.

As per claim 22, Parker does not suggest that a second code is stored in the device prior to programming. However, such method is disclosed in the background of Parker (col. 2/ln. 30-50). Therefore, it would have been obvious to one of ordinary skill in the art to provide such method, to the communication device of Parker in order to

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effectively un-locked and activated the mobile devices enabling the user to make telephone calls.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directauspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 30, 2008

/Pablo N Tran/

Primary Examiner, Art Unit 2618